

(3) *Exports not requiring a license.* Even if your shipment does not require a license from BXA, it may still require a SED. Before shipping, check the Bureau of the Census Foreign Trade Statistics Regulations for the complete SED requirements.

(f) *Shipments transiting Canada en route to other countries—*(1) *Shipments moving under individual SED.* When an export to a foreign country is made in transit through Canada, and the shipment is one for which an individual SED is required by this part 758, the U.S. exporter must submit to the Canadian Customs authorities at the Canadian port of entry a copy of the U.S. SED, Form 7525-V, certified by the exporter as “A True Copy” of the original SED.

(2) *Shipments for which individual SED are not required.* When an export to a foreign country is made in transit through Canada, and the shipment is one for which an individual SED is not required because:

(i) The forwarder or broker is authorized to report export information to Census by means other than an individual SED; or

(ii) The shipment qualifies for a specific exemption (listed in Subpart D of the Census Bureau Foreign Trade Statistics Regulations), the forwarder or broker must include the number of and expiration date of the license issued by BXA, or the appropriate symbol indicating the inapplicability of an export license requirement (either NLR, meaning “No License Required” of the applicable License Exception from part 740 of the EAR on the bill of lading or other loading document as directed in paragraph (e)(2) of this section). The bill of lading or other loading document properly annotated with respect to the FTSR SED exemption or exception, along with the license authorization, when required, must be displayed to the Canadian Customs authorities at the Canadian port of entry and a copy provided, if requested by the Canadian authorities.

[61 FR 12852, Mar. 25, 1996, as amended at 61 FR 64285, Dec. 4, 1996]

§ 758.2 Use of export license.

(a) *License valid for shipment from any port.* A license issued by BXA author-

izes exports from the United States from any U.S. port of export unless the license notes otherwise. Items that leave the United States at one port, cross adjacent foreign territory, and reenter the United States at another port before final export to a foreign country will be treated as an export from the last U.S. port of export.

(b) *Shipments against expiring license.*

(1) Any item that has not departed from the last U.S. port of export by midnight of the expiration date of the license may not be exported under that license unless the shipment meets the requirements of paragraph (b)(1)(i) or (ii) of this section.

(i) BXA grants an extension; or

(ii) Prior to midnight of the expiration date of the license, the items:

(A) Were laden aboard the vessel; or

(B) Were located on a pier ready for loading and not for storage, and were booked for a vessel that was at the pier ready for loading; or

(2) When the vessel is expected to be available at the pier for loading before the license expires, but exceptional and unforeseen circumstances delay it, the items may be exported without an extension of the license, if in the judgment of the U.S. Customs Service or BXA, undue hardship would otherwise result.

(c) *Reshipment of undelivered items.* If the consignee does not receive an export made under a license because the carrier failed to deliver it, the exporter may reship the same or an identical item subject to the same limitations as to quantity or value as described on the license to the same consignee and destination under the same license. Before reshipping, the exporter must submit to the OEXS satisfactory evidence of the original export and of the delivery failure, together with a satisfactory explanation of the delivery failure. If an item is to be reshipped to any person other than the original consignee, the shipment is deemed to be a new export and is subject to all current EAR regarding the specific item and destination.

§ 758.3 Shipper's Export Declaration (SED).

(a) *SED presentation requirement.* Both the Foreign Trade Statistics Regulations of the Census Bureau (15 CFR part 30) and these Export Administration Regulations require that SED's be submitted to the U.S. Government. There are a few exceptions to this rule, but if you are required to submit a SED you must prepare it in accordance with the rules of the Foreign Trade Statistics Regulations (FTSR) and present the number of copies specified in the FTSR at the port of export.

(b) *SED is a statement to the U.S. Government.* Your SED is a statement to the U.S. Government in which you assert that all of the information shown on the SED is true. You may execute and submit the SED only if you are the exporter or the duly authorized forwarding agent of an exporter.

(c) *Limitation on time when SED may be used.* No one may use a SED to export, or facilitate or effect an export, after the expiration of the applicable license or after the termination of the applicable License Exception or provisions of the EAR that authorize export without a license, except as provided in § 750.7(f) (License validity period) of the EAR and § 758.2(b) (Shipments against expiring license) of this part.

(d) *Additional copies of the SED.* You are required to submit additional copies of the SED when:

(1) BXA or one of its component offices asks you to send it copies of the SED for exports:

(i) Authorized by a license (see paragraph (l) of this section);

(ii) Authorized by a Special Comprehensive License (see § 752.16(a)(5) of the EAR); or

(iii) The items are controlled for short supply reasons (see part 754 of the EAR); or

(iv) Required by § 758.1(f) (shipments transiting Canada) of this part.

(2) You are required under the provisions of § 754.2(j)(2) of the EAR.

(e) *Statements on SED.* Whenever a SED is presented to a carrier, a customs office, or a postmaster, the exporter represents that:

(1) All statements and information on the SED have been furnished by the exporter or on the exporter's behalf to

effect an export under the provisions of the EAR;

(2) Export of the items described on the SED is authorized under the "No License Required" provisions of the EAR as described in § 758.1(a) of this part, a License Exception described in part 740 of the EAR or the license identified on the SED;

(3) Statements contained on the SED are consistent with the contents of the license or the terms, provisions, and conditions of the applicable License Exception or of the applicable "No License Required" provisions of the EAR as described in § 758.1(a) of this part; and

(4) All other terms, provisions, and conditions of the EAR applicable to the export have been met.

(f) *Items that may be listed on the same SED—(1) General.* Except as described in paragraph (f)(2) of this section, more than one item may be listed on the same SED provided they are contained in one shipment on board a single carrier and are going from the same exporter to the same consignee. Even if some of the items are being shipped under authority of a license and others under a License Exception or the "No License Required" provisions of the EAR (as described in § 758.1(a) of this part), they may still be shown on one SED. For the second and subsequent authorizations used, the applicable license number and expiration date, License Exception symbol, or the "No License Required" symbol (NLR) must be shown along with the descriptions (including quantity, if required, Schedule B Number, and value) to which each authorization applies, in the designated spaces on a separate SED Continuation Sheet. The following apply for notations made on SED:

(i) Entering the license number and expiration date is a representation to the U.S. Government that the transaction is authorized by the license cited.

(ii) Entering a License Exception symbol, or "NLR" is a representation to the U.S. Government that the shipment meets one of the applicable provisions of paragraph (a)(3) of § 758.1 of this part.

(2) *Exception.* Separate SED's must be prepared and presented for each vehicle